



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAY 02 2014

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED 7009 1680 0000 7677 7629

Ms. Colleen Klaiber
EHS Manager for Product Development and Global Technology
Caterpillar, Inc.
909 Cedar Hills Drive
Mossville, Illinois 61552

Re: Notice of Violation
Caterpillar Inc., Technical Center
EPA ID No.: ILD067407627

Dear Ms. Klaiber:

On February 11, 2014, a representative of the U.S. Environmental Protection Agency inspected the Caterpillar Inc., Technical Center (Caterpillar) located in Mossville, Illinois. The purpose of the inspection was to evaluate Caterpillar's compliance with certain provisions of the Resource Conservation and Recovery Act (RCRA); specifically, those regulations related to the generation, treatment and storage of hazardous waste. We have enclosed a copy of the inspection report for your reference.

Based on information provided by Caterpillar personnel, review of records, and physical observations made by the inspector at the time of the investigation, EPA has determined that Caterpillar is engaged in the storage of hazardous waste without a permit, and is in violation of certain requirements of the Illinois Administrative Code (IAC) and United States Code of Federal Regulations (CFR). To be eligible for the exemption from having a hazardous waste storage permit, Caterpillar must be in compliance with the conditions of 35 IAC §§ 722.134(a) and (c) [40 CFR §§ 262.34(a) and (c)]. We find that Caterpillar was not in compliance with one of the conditions for a hazardous waste storage permit exemption, and in violation of the following requirement:

1. In order to avoid the need for a hazardous waste storage permit, a large quantity generator must have a contingency plan which includes, among other things, a description of the arrangements agreed to by local police department, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to 35 IAC § 725.137 (40 C.F.R. § 265.37). See, 35 IAC §§ 722.134(a)(4) and 725.152(c) [40

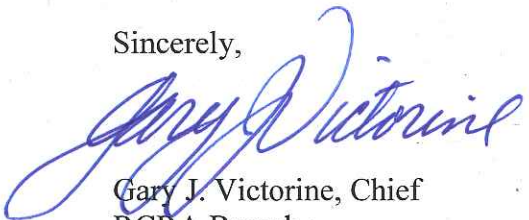
C.F.R. §§ 262.34(a)(4) and 265.52(c)]. This is also a requirement for owners and operators of hazardous waste storage facilities at 35 IAC § 724.152(c) [40 C.F.R. § 264.52(c)]. At the time of the inspection, Caterpillar's contingency plan did not describe the above-mentioned arrangements, with the exception of those made with a private contractor. Therefore, Caterpillar failed to comply with the above-mentioned condition for a hazardous waste storage permit exemption, and violated the storage facility contingency planning requirement.

2. A large quantity generator who accumulates hazardous waste on-site and who does not meet the conditions for a permit exemption of 35 IAC § 722.134(a) [40 C.F.R. § 262.34(a)] is an operator of a hazardous waste storage facility, and is required to obtain an Illinois hazardous waste storage permit. See, 35 IAC § 703.121(a) [40 CFR § 270.1(c)]. Upon failing to comply with the permit exemption condition described in item 1, above, Caterpillar's failure to apply for and obtain a hazardous waste storage permit violated the requirements of 35 IAC § 703.121(a) [40 CFR § 270.1(c)].

At this time, EPA is not requiring Caterpillar to apply for a hazardous waste storage permit, so long as it immediately establishes compliance with the condition for an exemption outlined above. According to Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), EPA may issue an order assessing a civil penalty for any past or current violation requiring compliance immediately or within a specified time period. Although this letter is not such an order, you are hereby requested to submit a response in writing to this office no later than thirty (30) days after receipt of this letter documenting the actions, if any, which have been taken since the inspection to establish compliance with the above condition and requirement.

You should submit your response to Todd Brown, U.S. EPA, Region 5, 77 West Jackson Boulevard, LR-8J, Chicago, Illinois 60604. If you have any questions regarding this letter, please contact Mr. Brown, of my staff, at (312) 886-6091.

Sincerely,



Gary J. Victorine, Chief
RCRA Branch

Enclosure

cc: Todd Marvel, Illinois Environmental Protection Agency (todd.marvel@illinois.gov)